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U.S. BANKRUPTCY COURT  
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1 D.G. MENCHETTI, ESQ.  
 2 Nevada State Bar # 1675  
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 Attorney for D.G. Menchetti Pension Plan

## 7 UNITED STATES BANKRUPTCY COURT

## 8 DISTRICT OF NEVADA

9 In re: ) Case No. BK-S-06-10725-LBR  
 10 ) Case No. BK-S-06-10726-LBR  
 11 USA COMMERCIAL MORTGAGE ) Case No. BK-S-06-10727-LBR  
 COMPANY, ) Case No. BK-S-06-10728-LBR  
 12 ) Case No. BK-S-06-10729-LBR  
 13 USA CAPITAL REALTY ADVISORS, )  
 LLC, ) CHAPTER 11  
 14 USA CAPITAL DIVERSIFIED TRUST )  
 DEED FUND, LLC, ) Jointly Administered Under  
 15 ) Case No. BK-S-06-10725-LBR  
 16 USA CAPITAL FIRST TRUST DEED )  
 FUND, LLC, )  
 17 )  
 18 USA SECURITIES, LLC, )  
 19 )  
 ) Debtors. )  
 20 Affects: USA Commercial Mortgage )  
 Company )  
 21 )

**RESPONSE TO OBJECTION  
 OF USACM TRUST TO PROOFS  
 OF CLAIM BASED UPON  
 INVESTMENT IN THE ONE POINT  
 STREET, LLC-HFA NORTH  
 YONKERS LOAN; and  
 CERTIFICATE OF SERVICE**

Date of Hearing: February 21, 2008  
 Time of Hearing: 9:30 a.m.

22 In response to the Objection filed by USACM LIQUIDATION TRUST, attached are  
 23 statements reflecting the sums due and owing of \$204,379.00.

24 RESPECTFULLY SUBMITTED this 8 day of February, 2008.  
 25

26 D. G. MENCHETTI, LTD.  
 27   
 28

D. G. MENCHETTI, ESQ./NVSB#1675  
 Attorney for D. G. MENCHETTI, LTD.  
 PENSION PLAN

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of D. G. MENCHETTI, LTD., and that on this date I caused a true and correct copy of the foregoing, via first-class postage prepaid U.S. Mail as follows:

Susan M. Freeman, Esq.  
Rob Charles, Esq.  
John C. Hinderaker, Esq.  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169

DATED: February 18, 2008.

Glacier Valley

D. Menchetti, Ltd.  
Attorneys & Counselors at law

Post Office Box 7100  
Incline Village, Nevada 89452  
Telephone (775) 831-0326  
[tahoc@razerfenchett.com](mailto:tahoc@razerfenchett.com)

**USA Commerical Mortgage Company ("USA")**  
 as Loan Servicing Agent for  
**HFA- North Yonkers**  
 as of June 30, 2006

Vesting Name: D. G. Menchetti Trustee of the D. G. Menchetti LTD Pension Plan

Address: D G MENCHETTI LTD PENSION PLAN  
 C/O D G MENCHETTI TRUSTEE  
 PO BOX 7100  
 INCLINE VILLAGE, NV 89452-7100

Client ID: 713

Performance Evaluation: Non-Performing

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1. Original Principal Investment	\$200,000
2. Principal Investment Assigned Out	0
3. Net Principal Investment	<u>\$200,000</u>
4. Principal Payments Made by Borrower to USA	\$200,000
5. Principal Payments Remitted by USA to Lender	0
6. Principal Payments Unremitted by USA to Lender	<u>\$200,000</u>
7. Interest Paid to USA by Borrower, net of service fee	\$32,246
8. Interest Remitted or Advanced by USA to Lender	<u>27,867</u>
9. Interest Due to (from) Lender	<u>\$4,379</u>
10. Unremitted Principal held in Collection Account	\$200,000
11. Interest Due to (from) Lender	<u>4,379</u>
12. Net Amount Currently Due to (from) Lender	<u>\$204,379</u>
13. Unremitted Principal not held in Collection Account	\$0
14. Interest Unpaid to USA by Borrower, net of service fee	\$0

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This statement is provided for information purposes only and is intended for the sole benefit of the named vested party. This statement is not intended to represent a loan payoff quote. USA reserves the right to update and supplement this statement.

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**USA Commerical Mortgage Company**  
 as Loan Servicing Agent for Loans Listed Below

**Loan Summary for Client ID#713**

**Individual Investments**

**Vesting Name:** D. G. Menchetti Trustee of the D. G. Menchetti LTD Pension Plan

**Address:**  
 D G MENCHETTI LTD PENSION PLAN  
 C/O D G MENCHETTI TRUSTEE  
 PO BOX 7100  
 INCLINE VILLAGE, NV 89452-7100

Investment Type	Term	Performance Evaluation	Original Investment	Current Investment	Projected Earnings from Investment	Interest Paid to USA (M)	Total Earnings (Gains/Loss)
IIFA- North Yonkers	01/13/05 - 06/30/06	Non-Performing	\$200,000	\$0	\$200,000	\$4,379	\$204,379
Eagle Meadows Development	10/24/05 - 06/30/06	Non-Performing	\$125,000	\$125,000	\$0	\$2,733	\$2,733
		<b>Totals:</b>	<b>\$325,000</b>	<b>\$125,000</b>	<b>\$200,000</b>	<b>\$7,112</b>	<b>\$207,112</b>

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